

GUIDELINES FOR VOLUNTEERS

From the New York State Department of Correctional Services

DOCS has provided to the prisons under its jurisdiction a set of Sample Guidelines: Rules and Regulations for Volunteers, which each prison may modify as necessary for that particular institution and then distribute to its regular volunteers. This is a good general summary of prison rules that a volunteer is likely to encounter, and is reproduced in its entirety here. Bear in mind that individual prisons can and do modify or add to these rules according to institutional needs as perceived by the administration.

High on the list of things to expect when going into prisons is the top priority assigned by the whole prison system to security considerations. Security comes first with prison administrations and personnel, and rules are made to ensure it at almost any cost. Most prison rules are security-related, and those that are, are strictly enforced. Volunteers are considered by DOCS to be unpaid prison employees--however much some of us might dissent from that view--and can be held responsible as prison employees are responsible for obeying the rules. Frequently, the rules do not, to those unfamiliar with prisons, appear to have any obvious bearing on security considerations, and may seem petty, oppressive, senseless or harassing, or all of the above. They must nevertheless be obeyed. Most new volunteers are required by DOCS to participate in an orientation during which some of the reasons behind the rules are explained. But whether they are explained or not, to violate them may lead to penalties ranging from reprimand to dismissal as a volunteer and even to the arrest of the violator in the most flagrant cases involving, for instance, the smuggling of drugs or weapons.

This is not to say that AVP volunteers should never challenge the rules or the actions of prison personnel. AVP has its own ethics, which differ from those of the prison bureaucracy. One important rule of AVP is that the program is voluntary and that inmates may not be coerced into participation in it. If it should appear that this is happening, the prison administration should be confronted and the coercion stopped, on pain of AVP withdrawing from the prison if it comes to that. This and related issues should be dealt with by the lead facilitator or the outside coordinator for that prison, or by officers of AVP. Less crucial issues involving inconvenience to AVP workshop arising from rules can also be discussed and negotiated with prison officials by the workshop leaders. But in all cases, it is important to obey the rules first, then negotiate.

SAMPLE GUIDELINES--RULES AND REGULATIONS FOR VOLUNTEERS

1. The Rules and Regulations presented herein apply to this facility only and are in keeping with the policies and procedures set forth by the New York State Department of Correctional Services.
2. All volunteers must be approved by the Superintendent or his/her designee and registered by the Volunteer Services Office. This will include a personal interview and a check of references.
3. It is imperative that your car be locked if it is parked on the grounds of the facility. You may be required to turn in your keys before you begin your assignment.
4. Upon entering the facility, you may be asked to pass through a metal detector. You may also be provided with an identification card which you will wear while on the grounds and which will be kept on file at the facility.
5. Do not bring into the facility any items which might be defined as contraband (i.e., weapons, drugs, literature, or anything not authorized by the Superintendent for an inmate to possess). Note that contraband (firearms, in particular) is not allowed on facility grounds, and therefore, cannot be left in automobiles.
6. You will be assigned a staff supervisor to work with while in the facility. You may be escorted by this staff member or a correction officer while in the institution.
7. Volunteers are advised not to carry large sums of money nor wear expensive items of jewelry while participating in programs at the facility. Persons carrying handbags should not leave them lying around. Clothing should be appropriate and in keeping with Departmental requirements for all visitors.
8. If your work requires that you bring special material, clear the items in advance with your staff supervisor. Expenditures should not be made by volunteers for supplies or equipment without prior staff approval.
9. Tape recorders, cassettes or cameras may be brought into the facility only with special permission of the Superintendent.
10. It is expected that volunteers will be dependable, punctual, and perform their duties in an effective manner. If you are unable to meet at the appointed time, contact your staff supervisor or the Volunteer Services Office as early in advance as possible.

11. The exchange of monies and/or gifts with correctional facility inmates is prohibited. You should not, at any time, bring in and give anything directly to an inmate nor take anything from him/her to be carried outside of the institution. As a volunteer, you are not to carry oral messages or written correspondence in or out of the facility for an inmate. Do not bring in literature which has not been approved by the facility staff.
12. Matters of discipline are the responsibility of the correction officers. Under no circumstances should a volunteer become involved in or interfere with these matters. Any questions of judgment should be discussed privately with the officers and/or staff, never in the presence of an inmate.
13. In your contacts outside the correctional facility, use discretion in revealing the information you have acquired in the course of performing your service. Check with the appropriate staff if you are doubtful about what requires confidentiality.
14. While working with inmates on a regular basis, a very close relationship may develop. Care should be taken to maintain a professional, impersonal relationship and to avoid becoming emotionally involved with inmates.
15. Volunteers are not permitted to accept collect phone calls, correspond or visit with inmates. A volunteer who wishes to accept collect phone calls, correspond or visit with an inmate must contact the Volunteer Services Office to arrange to resign as a volunteer. Conversely, an individual who is approved to correspond or visit an inmate cannot be registered as a volunteer while on correspondence/visiting status. Volunteers who serve as spiritual advisors are exempt from the rule.
16. If at any time questions arise about any of these guidelines or anything not covered by them, you should seek clarification from ... the staff person responsible for the Volunteer Services program.

NYS DEPARTMENT OF CORRECTIONAL SERVICES

DIRECTIVE 4750: VOLUNTEER SERVICES PROGRAM

Directive 4750 is the major DOCS document governing the relationship between the prison system and the volunteers who work within it. It was first issued in July 1981 and has been revised several times, the last time in April 1986. It is currently under revision again, but no final document is expected in the immediate future as this manual goes to press (summer 1992). It is excerpted here to inform AVP volunteers of the expectations of the DOCS vis-a-vis its volunteers, the rules and regulations governing the volunteer status, and the DOCS procedures available to prison staff and volunteers should difficulties or disagreements arise.

V. THE Volunteer

A. Definition

A volunteer is a person who provides a service to the Department and/or inmates without direct compensation as salary from the Department.... A volunteer who is duly registered and approved is considered to be an unpaid employee of the Department and is subject to all the rules and regulations applicable to Department employees (see Section XI).

- B. Restriction: A volunteer is not permitted to accept collect phone calls, correspond and/or visit with inmates housed in any facility of the Department. Volunteers who wish to correspond [sic] and/or visit an inmate must contact the Supervisor of Correctional Facility Volunteer Services (SCFVS) or Volunteer Services Assistant (VSA) to resign from the volunteer assignment. Conversely, an individual in correspondence/visiting status cannot be registered as a volunteer. (Note: The above prohibition applies to inmate telephone calls.)

C. Ex-Offenders and Parolees

1. The ex-offender or parolee may be considered for a volunteer assignment in a facility one year following his/her release provided:
 - a. his/her record indicates a relatively conflict-free period within the said facility, and
 - b. there is some evidence that he/she has made a productive reentry into society.
2. Additional Requirements: The Superintendent/designee must approve all exoffenders and parolees. Parolees must also have the approval of his/her Parole Officer. once these approvals are granted, the ex-offender or parolee is to be formally processed through the office of Volunteer Services.

Note: All prior misdemeanor or felony convictions must be indicated in writing when an ex-offender/parolee or an individual with a prior criminal record completes the application process....

VII. QUALIFICATIONS

- A. Maturity is one of the key attributes which contribute to the success of a volunteer in a correctional setting. However, for security reasons, no one under the age of 18 shall be permitted to serve as a volunteer with inmate contact in a correctional facility or camp.

D. Registration

1. Groups: All community agencies, groups or organizations must be registered by the Supervisor of Volunteer Services or [other volunteer services official authorized by the Superintendent. [AVP group registrations are already in place.]
2. Individuals:
 - a. individuals who enter a facility as part of a registered community group on a regular basis must also be registered utilizing Form #3080, Individual Volunteer Registration. if the individual will be entering the facility for only a single occasion ... the group registration will suffice.
 - c. Multiple Locations: Each volunteer, regardless of the number of facilities in which he/she wishes to provide a service, must complete an original registration form for each facility (Form #3080).
Reference checks and fingerprint results may be shared between facilities by telephone. Regardless of multiple facility services, each facility will provide its own orientation.

E. Screening

All volunteers must be screened prior to job assignment using the following procedure:

1. Individual volunteers will complete Individual Volunteer Registration Form 3080. This form is retained at the facility.
2. Community groups will complete Community Groups Registration Form 3083. (AVP is registered in this manner.)

7. If a group is accepted, the individual members need to be registered (Form 3080) only if the service is to be provided on a regular basis.

F. Fingerprinting

All Department employees are photographed and finger printed prior to employment. Volunteers (except those serving in occasional or single incident programs) shall be provided with an ID card to be kept on file at the facility ... Volunteers will also be finger printed regardless of the security level of the facility to which the volunteer is assigned. Volunteers will not be required to pay for any fingerprinting charges. Since Department employees are required to be finger printed, this requirement is waived for staff serving as volunteers.

Note: individual volunteers or Community Group volunteers providing services on an occasional basis... will not be finger printed. (occasional means no more than once every three months.)...

G. Orientation training of Volunteers

1. Orientation: The Supervisor of Volunteer Services provides general information about the facility and the Department. it is designed to acquaint individuals with the existing situation, to enlighten, inform and familiarize. it should include discussions of confidentiality and discretion in both private and public discussions about the program and inmates, rules and regulations for volunteers ... and causes and procedures for dismissal of volunteers. Volunteers will be required to participate in a security orientation by the facility training lieutenant or appropriate designee.

H. Emotional Involvement Between Volunteers and Inmates

In working with inmates on a regular basis, a very close relationship may develop. The volunteer, however, should maintain a professional relationship and avoid becoming emotionally involved. if a relationship develops, the Supervisor of Volunteer Services shall request that the volunteer resign from the volunteer assignment and advise the individual of the procedure to be placed on an inmate's correspondence and/or visiting list.

IX BENEFITS

A. Insurance Coverage And indemnification

1. Workman's Compensation for Volunteers

- a. All volunteers who are duly registered and approved by the Volunteer Service Program are covered for injuries relating to their volunteer work by Worker's Compensation benefits.
- b. For purposes of computing Workmen's Compensation Benefits for a volunteer who is injured, his/her wages will be the amount of earnings in his/her regular vocation. For any volunteer who has no regular earnings or whose regular earnings are less than \$30 a week, the average weekly wage shall be deemed \$30 for the purpose of computing Worker's Compensation....
- c. it should be noted that a volunteer duly registered and approved, is eligible whether the service is performed in the community, or in a correctional facility, or a parole office.

2. Indemnification Coverage for Volunteers

- a. Correctional Services volunteers have been afforded protection from financial loss arising out of a civil action.
- b. The law provides that the State would save harmless and indemnify volunteers of the Department from financial loss arising out of a judgment in any civil action by reason of a claim of alleged negligence or other act of such person participating in a volunteer service program provided that the damages were sustained while such person was acting in the discharge of his duties and within the scope of such duties and the claim did not result from the willful and wrongful act or gross negligence of such person.
- c. The law applies to volunteers authorized to participate in a volunteer services program, provided such volunteer gives notice of such claim upon himself within five days of service of such claim upon himself... Individuals who have insurance policies which would cover them for claims arising pursuant to the volunteer programs must first use such policies before the state will defend and/or indemnify them.

3. Advise volunteers of Benefits 1 and 2. Information regarding the above protection must be communicated in writing to all volunteers prior to their official assignment.

XIII. DISMISSAL OF VOLUNTEERS

Grounds for dismissal of volunteers are based on the violation of facility rules and regulations. If the appropriate processes of registration, screening, orientation, and training are fully adhered to, the dismissal of volunteers should be a rare incident. If dismissal is necessary, the process to be used is set forth below. It is mandatory that a proper documentation be available if dismissal is contemplated.

A. Types of violations

1. Major Violation:

- a. A major violation is an act which threatens the safety and security of the facility.
- b. A volunteer who commits a major violation shall be temporarily suspended immediately by the Superintendent ... while an investigation is conducted in accordance with the procedure outlined below in steps B-5 through B-9.

2. Minor Violation

- a. A minor violation is an act which does not endanger the safety and security of the facility or incite a disturbance among the inmates.
- b. A volunteer who is charged with committing a minor violation normally will not be suspended and will be allowed to continue service for the period of the investigation.

B. Procedure

1. When a volunteer commits a violation, the facility employee or volunteer observing it shall document the facts of the incident and report them to the Supervisor of Volunteer Services/Volunteer Services Assistant. In the event of a major violation, the Superintendent or his/her designee is notified immediately by the Supervisor in order to verify the seriousness of the charge and authorize immediate temporary suspension.
2. All documentation is forwarded to the facility Supervisor of Volunteer Services who then reviews the incident.
3. The SVS or VSA interviews the volunteer accused of a minor violation, making every effort to resolve the problem and to suggest possible remedies.
4. If a volunteer repeatedly violates a rule or regulation, the SVS or the VSA shall consult with the Deputy Superintendent for Programs, the facility Superintendent and the Regional Coordinator of Volunteer Services to determine if there is sufficient cause for further action.
5. The facility Superintendent or his/her designee determines the seriousness of the charge, and if necessary temporarily suspends the volunteer pending investigation. Written notification of this temporary suspension is sent by the facility Superintendent to the volunteer with a copy sent to the Regional Coordinator. The letter must inform the volunteer of the allegations and the date of the temporary suspension.
6. The Regional Coordinator then conducts an investigation concerning the charges and informs the facility Superintendent in writing of his/her findings and recommends one of the following:
 - a. Dismiss all charges
 - b. Restrict the volunteer's activities
 - c. Reassign the volunteer to another program within the facility or to a program at another facility.
 - d. Dismiss the volunteer from service in any New York State correctional facility.
7. The facility Superintendent approves the final disposition for each case. If the Superintendent disagrees with the Regional Coordinator's recommendation, he/she will consult with the Director of Volunteer Services.
8. The volunteer must receive written notification of the Superintendent's decision directly from the Regional Coordinator within 30 working days of the beginning of the temporary suspension..
9. The letter must state that the volunteer may appeal, in writing, to the Deputy Commissioner of Program Services within 30 working days of receipt of the letter.